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**Via ECF**

January 26, 2010

Honorable Judge Jack B. Weinstein  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Alpha Kaba v. Delight Construction Corp.**  
**Docket No.: 08-2594 (JBW)(MDG)**

Dear Judge Weinstein:

This law firm represents the Defendant in the above-referenced matter. We respectfully move for an order allowing our firm to withdraw as counsel. The reason for the request is due to an unworkable relationship with Defendant to prepare for the upcoming trial and Defendant's refusal to pay its outstanding legal bill. Local Civil Rule 1.4, "Withdrawal or Displacement of Attorney of Record," provides as follows:

[a]n attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

It is well settled under Local Civil Rule 1.4 that a client's failure to pay legal fees constitute "satisfactory reasons for withdrawal as counsel." Team Obsolete, Ltd. v. A.H.R.M.A., Ltd., 464 F. Supp. 164, 165 (EDNY 2006). As set forth above, Defendant has failed to pay Counsel's legal fees. Moreover, the New York Code of Professional Responsibility permits a lawyer to "withdraw from representing a client if . . . [t]he client... [d]eliberately disregards an agreement or obligation to the lawyer as to expenses or fees." N.Y.S.B.A. Code of Professional Responsibility DR 2-110(C)(1)(f).

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In this case, our firm attempted to resolve the issues with Defendant. In fact, I had a conversation with Defendant today but was unable to resolve these issues.

Since this motion is obviously a sensitive issue that involves attorney-client privileged communications, we would request leave to submit further ex parte submissions, as directed by the Court.

Respectfully Submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/

Joseph M. Labuda

JML:acw  
Encl.

cc: Abdul K. Hassan, Esq.  
Mohammed Aziz